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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

BETHANY LASPINA,

Plaintiff,

v.

SEIU PENNSYLVANIA STATE
COUNCIL; SEIU LOCAL 668; SEIU
HEALTHCARE PA; SEIU LOCAL 32BJ;
PENNSYLVANIA JOINT BOARD OF
WORKERS UNITED; LACKAWANNA
COUNTY LIBRARY SYSTEM;
SCRANTON PUBLIC LIBRARY,

Defendants.

CASE NO.: 3:18-CV-02018-MEM

**DEFENDANT SEIU LOCAL 668'S
MOTION TO DISMISS SECOND
AMENDED COMPLAINT**

Hon. Malachy E. Mannion

Complaint Filed: Oct. 18, 2018
Trial Date: Not set.

Defendant Service Employees International Union, Local 668 (“Local 668”), by its undersigned counsel, respectfully moves the Court to dismiss the claims against Local 668 set forth in plaintiff’s Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). As explained in Local 668’s accompanying memorandum of points and authorities, plaintiff’s claims for relief in Count 1 on behalf of former fair share fee payers and on behalf of union members who purportedly joined the union because of the fair share fee requirement must be dismissed for lack of jurisdiction under Rule 12(b)(1) because plaintiff lacks standing to pursue those claims; plaintiff’s claim for relief in Count 1 based on her purported misunderstanding regarding her right to refrain from joining the union must be dismissed for failure to state a claim under Rule 12(b)(6); Count 2 must be dismissed for lack of jurisdiction under Rule 12(b)(1) because plaintiff has already received all of the relief potentially available on that claim; and Count 3 must be dismissed for lack of jurisdiction under Rule 12(b)(1) because plaintiff lacks standing to pursue the included claims. Local 668’s motion is based upon this motion; the accompanying memorandum of points and authorities, proposed order, and Declaration of Claudia Lukert; such further pleadings as may be filed in connection with this motion; and the complete files and records of the Court in this matter.

The undersigned counsel certifies, pursuant to Middle District Local Rule 7.1, that Local 668 has sought plaintiff’s concurrence in this motion, which has been denied.

Date: February 11, 2019

Respectfully Submitted,

/s/P. Casey Pitts

P. Casey Pitts (CA262463)

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